

## *St. Louis City Ordinance 64737*

FLOOR SUBSTITUTE

BOARD BILL NO. [99] 120

INTRODUCED BY ALDERMAN DIONNE FLOWERS

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on a 160 foot portion of the 20 foot wide north/south alley in City Block 1219 same bounded by Angelica, Broadway, Bremen, and Ninth in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being a 20 foot wide alley in Block 1219 of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at a point calculated to be the northeast corner of a tract of land described in a deed to North 9th Street Truck Service, Inc. in Book M1122, page 2129, of the St. Louis City Recorder's Office; from which a found anchor bears south 65 degrees 16 minutes 01 seconds east, a distance of 0.49 feet; said point also being the calculated southeast corner of a tract of land described in a deed to Robert Nicolai as described in Book 395M, page 1080, of the St. Louis City Recorder's Office; thence, crossing the said alley, south 68 degrees 29 minutes 11 seconds east, a distance of 20.32 feet to a railroad spike set for the northeast corner of the herein described alley portion; said point being on the west line of a tract of land described in a deed to James Stafos in Book M231, page 1392 of the St. Louis City Recorder's Office; thence, with the east line of the herein described alley, same being the west line of the said Stafos tract and a tract of land described in a deed to Mary Ballard in Book 927M, page 1220, of the St. Louis City Recorder's Office, south 21 degrees 44 minutes 00 seconds west, a distance of 160.05 feet to a railroad spike set for the southeast corner of the herein described alley; thence, crossing the said alley, north 68 degrees 29 minutes 11 seconds west, a distance of 20.32 feet to a cross set for the southwest corner of the herein described alley; said point being the southeast corner of the aforementioned North 9th Street Truck Service, Inc., tract and a

tract of land described in a deed to O.J.M. in Book M1394, page 282, of the St. Louis City Recorder's Office; thence, with the common line between the said North 9th Street Truck Service, Inc., tract and the herein described alley, north 21 degrees 44 minutes 00 seconds east, a distance of 160.05 feet to the point of beginning and this tract containing 3,249 square feet of land, or 0.07 acres, more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioners are RJM Hauling Corp. and Middendorf Meats. Vacated area will be used to make improvements to RJM Hauling's facility.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alley provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise

holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (1 year) from the date of the

signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>07/01/99</b>	<b>07/09/99</b>	<b>W&amp;M</b>		
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>07/16/99</b>			<b>07/23/99</b>	<b>07/23/99</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>64737</b>				